

Notice of Allowability

Application No.

09/867,746

Examiner

Cristina Owen Sherr

Applicant(s)

TADAYON ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 05/22/2006.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. This communication is in response to applicant's amendment filed May 22, 2006. Claims 1-14 are currently pending in this case.

Examiner's Amendment

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this Examiner's amendment was given in a telephone interview with Mr. Carlos Villamar, Reg. No. 43,224, on 07 June, 2006.
4. The application has been amended as follows:

In claim 9, change:

"A system for transferring digital works from one user to another user comprising:
digital content;
a usage rights module containing usage rights information associated with the content for a first user, said usage rights specifying a permitted manner of use of said digital content;
a transfer permission module containing transfer permission information for the content;
a current user identification module containing identity information indicating the identity of the first user;
and
means for manipulating said current user identification module to change the current user identification flag f the identity information from a current user to a second user

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upon transferring the content from the first user to the second user, wherein the usage rights are allocated between the first user and the second user such that the first user and the second user have an allocated percentage of the usage rights that is greater than zero percent and less than one hundred percent of the usage rights and such that the sum of the allocated percentage between the first user and the second user equals one hundred percent". To

"A system for transferring digital works from one user to another user comprising: digital content in a memory;

a usage rights device containing usage rights information associated with the content for a first user, said usage rights specifying a permitted manner of use of said digital content;

a transfer permission module containing transfer permission information for the content;

a current user identification module containing identity information indicating the identity of the first user; and

means for manipulating said current user identification module to change the current user identification flag of the identity information from a current user to a second user upon transferring the content from the first user to the second user,

wherein the usage rights are allocated between the first user and the second user such that the first user and the second user have an allocated percentage of the usage rights that is greater than zero percent and less than one hundred percent of the usage rights and such that a sum of the allocated percentage between the first user and the second user equals one hundred percent.

Reasons for Allowance

5. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

The closest prior art of record shows:

- (1) Shear (US 4,827,508) discloses a database usage metering and protection system and method;
- (2) Shear (US 4,977,594) discloses a database usage metering and protection method;
- (3) Ginter et al (US 5,892,900) disclose systems and methods for secure transaction management and electronic rights protection;
- (4) Hall et al (US 5,920,861) disclose techniques for defining using and manipulating rights management data structures;
- (5) Griswold (US 5,940,504) discloses a licensing management system and method in which datagrams including an address of a licensee and indicative of use of a licensed product are sent from the licensee's site;
- (6) Van Wie et al (US 5,943,422) disclose steganographic techniques for securely delivering electronic digital rights management control information over insecure communication channels;
- (7) Crandall (US 5,999,949) discloses a text file compression system utilizing word terminators;
- (8) Stefik et al (US 5,638,443) disclose a system for controlling the distribution and use of composite digital works;
- (9) Ginter et al (US 6,427,140) disclose systems and methods for secure transaction management and electronic rights protection;

(10) Perritt, Henry H., Knowbots, permission Headers and Contract Law (paper for the conference on Technological Strategies for protecting Intellectual Property in the Networked Multimedia environment, April 2-3, 1993, with revisions of 4/30/93).

6. Applicant's set of claims consists of claims 1-14.

7. Independent claim 1 is directed a method of transferring digital works from one user to another. This claim identifies the uniquely distinct feature of allocating the user rights such that the first user and the second user each have an allocated percentage of the usage rights that is greater than zero (0) percent and less than one hundred (100) percent of the usage rights and such that the sum of the of the allocated percentage between the first and second user equals one hundred (100) percent. Because nothing in the prior art teaches or suggests this latter feature, independent claim 1 and its dependent claims 2-8 are deemed allowable.

8. Independent claim 9 is directed at a system for transferring digital works from one user to another. This claim identifies the uniquely distinct feature of allocating the user rights such that the first user and the second user each have an allocated percentage of the usage rights that is greater than zero (0) percent and less than one hundred (100) percent of the usage rights and such that the sum of the of the allocated percentage between the first and second user equals one hundred (100) percent. Because nothing in the prior art teaches or suggests this latter feature, independent claim 1 and its dependent claims 10-14 are deemed allowable.

Terminal Disclaimer

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9. The terminal disclaimer filed on May 22, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Stefik et al (US Patent 5,683,443) has been reviewed and is accepted. The terminal disclaimer has been recorded.

10. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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